

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Billed Party Preference For
InterLATA 0+ Calls

)
)
) CC Docket No. 92-77
)

COMMENTS OF U S WEST, INC.

I. U S WEST SUPPORTS THOSE PETITIONERS SEEKING A
DECLARATION THAT THE COMMISSION'S MOST RECENT
ORDER DOES NOT APPLY TO INCUMBENT LECS, AS WELL
AS CERTAIN OTHER SPECIFIC PROPOSALS

U S WEST, Inc. ("U S WEST") herein supports a number of filing parties seeking clarification and/or reconsideration¹ of the Federal Communications Commission ("FCC" or "Commission") Second Report and Order and Order on Reconsideration² in the above-referenced proceeding. In particular, we support the Ameritech position that the Commission should find that its rate disclosure obligations do not apply to local exchange carriers ("LEC"), who traditionally have

¹ Various Petitions were filed on Apr. 9, 1998 by Ameritech Operating Companies ("Ameritech") (Petition for Clarification or Reconsideration ("Clarification") and a separately filed Emergency Petition for Stay ("Stay")), AT&T Corp. ("AT&T"), Bell Atlantic Telephone Companies ("Bell Atlantic"), BellSouth Telecommunications, Inc. ("BellSouth"), Cleartel Communications, Inc., et al. ("Cleartel"), Inmate Calling Service Providers Coalition, Citizens United for Rehabilitation of Errants ("C.U.R.E."), One Call Communications, Inc., d/b/a OPTICOM ("Opticom") and U S WEST.

U S WEST supports the filings of Ameritech, AT&T, Bell Atlantic, BellSouth and, to some extent, Cleartel.

² In the Matter of Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92-77, Second Report and Order and Order on Reconsideration, FCC 98-9, rel. Jan. 29, 1998 (or "Order").

not been treated as interstate Operator Service Providers ("OSP") despite minimal interstate intraLATA traffic.³

Ameritech makes a compelling case that the inclusion of such carriers is neither required by law, by past Commission action, nor by policy. For all these reasons, LECs should not be included in the rate disclosure obligations.

Additionally, we agree with Bell Atlantic⁴ and BellSouth⁵ that some articulation of what the Commission meant to accomplish when it issued its *Erratum* is necessary.⁶ In that *Erratum*, the text of the Second Report and Order and Order on Reconsideration regarding the scope of a carrier's rate disclosure obligations was changed from "interstate, domestic, interexchange 0+ call"⁷ to "any interstate, domestic, interexchange[,] non-access code operator service call."⁸ The Commission should clarify what was meant by this particular change.

In the event that the Commission refuses to grant the relief requested by Ameritech, we also support (1) those petitioning parties seeking a clarification of

³ Ameritech, generally. See also U S WEST's support for the Ameritech Petition in our own-filed "Petition for Clarification or Waiver or, in the Alternative, for Clarification and Reconsideration of U S WEST, Inc.," filed Apr. 9, 1998 at 1-3, 5-10 ("U S WEST Petition"); and our Letter to Ms. Roman Salas, Secretary, Federal Communications Commission, requesting the Commission to associate the U S WEST Petition with the Ameritech Stay in the CC Docket No. 92-77 proceeding, filed Apr. 30, 1998. And see Bell Atlantic at 1-2; BellSouth at 3.

⁴ Bell Atlantic at 2.

⁵ BellSouth at 1-2.

⁶ In the Matter of Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92-77, Erratum, rel. Feb. 12, 1998 ("*Erratum*").

⁷ Order ¶ 90.

the rate disclosure obligation where a premises imposed fee (“PIF”) is imposed by an aggregator independent of any OSP participation,⁹ and (2) those seeking an extension of the compliance deadline for implementing the mandated rate disclosures.¹⁰

While U S WEST agrees with Cleartel on the need for further time to comply with the Commission’s Order, we believe some clarification is necessary regarding certain statements made by Cleartel that appear factual in nature and that appear to describe some type of “ubiquitous” state associated with store-and-forward technology and payphones. Cleartel argues that “[s]tore and forward phones are capable of (and currently provide) rate information for operator assisted calls to consumers via a . . . live operator process” similar to network-provided operator assistance.¹¹

While what Cleartel states might be true with respect to its store-and-forward phones as they interact with what Cleartel describes as a network-based

⁸ Id. at Appendix A, page 1 and *Erratum* ¶ 6.

⁹ See, e.g., AT&T at 3 (OSP should not have to provide rates regarding charges assessed “through the use of separate billing arrangements”), 5; Ameritech Clarification at 20-23 (noting the particular problem associated with being the OSP “default” provider and the ignorance of an aggregator’s PIFs); Bell Atlantic at 2; BellSouth at 3 n.7.

¹⁰ Opticom at 3; Cleartel, generally (arguing that the compliance requirements associated with a network provider’s provision of real-time rate information is not substantially less burdensome than for those utilizing store-and-forward technology where the rate information is sought to be provided through an automated technological solution rather than a human operator). And see AT&T at 1-2 n.2 (stating that it will need additional time to implement the Commission’s mandate and will be filing a waiver in the near future).

system,¹² it is not true for all store-and-forward payphones in all circumstances. For example, U S WEST's store-and-forward "smart phones" are designed such that a linkage to a live operator is not always possible from the current systems.¹³ The inability to access a live operator is the "standard" arrangement where payphone transactions are completed by "swiping" of plastic cards. For example, a caller using a U S WEST calling card or a commercial credit card (e.g., Mastercard, VISA, American Express) to place a call through a U S WEST store-and-forward telephone utilizing a "swipe transaction" mode cannot "exit" that store-and-forward technology to get to a live operator. If the customer chose not to swipe the card (i.e., not to be in a store-and-forward mode) but chose, rather, to access a carrier through a dialing pattern (e.g., 10XXX or 1-800/888), the ability to get to a live operator would be totally controlled by the carrier platform which the caller entered through its dialing.

Thus, while we support Cleartel's position regarding the need for an extension of time with which to comply with the Commission's proposed rules, we do so more from the type of needs described by AT&T than those described by

¹¹ Cleartel at 6.

¹² Id., generally, where Cleartel discusses "network-based OSPs."

¹³ It appears that Cleartel may be describing a situation where it is investigating taking the current technology, where a live operator connection is not always standard, and modifying the technology to allow for live operator intervention. See Cleartel at 8-9 (where it is discussing the difficulty of getting the caller back into the automated call-processing technology). If this is the case, the Commission should be advised that U S WEST is not currently considering this type of technology modification.

Cleartel. In both cases, an extension is warranted.

II. U S WEST OPPOSES C.U.R.E.'S PETITION FOR RECONSIDERATION

C.U.R.E. seeks clarification from the Commission that its Order imposes the same rate disclosure obligations on OSPs providing service from inmate-only telephones as on other providers of OSP services.¹⁴ U S WEST believes no such “clarification” is necessary on this matter, since the Order seems fairly clear with regard to this obligation.

U S WEST has sought reconsideration of this aspect of the Commission’s Order, arguing that the Commission’s extension of real-time rate disclosures in the context of inmate calling is an undue extension of the Commission’s OSP policies and not required by law or policy.¹⁵ For these reasons, then, we oppose the particular relief sought by C.U.R.E.

Furthermore, to the extent that C.U.R.E. seeks an articulation that inmate-calling service providers would be required to disclose “all surcharges” associated with the call,¹⁶ U S WEST opposes C.U.R.E.’s position unless modified. An OSP serving an inmate calling environment should not be required to disclose surcharges above and beyond those required to be disclosed by any other OSP.

¹⁴ Order ¶ 60. And see C.U.R.E. at 4.

¹⁵ See U S WEST Petition at Section V.

¹⁶ C.U.R.E. at 1, 4, 5-7.

III. CONCLUSION

For the above reasons, U S WEST supports those petitioners arguing that the Commission should clarify its Order with respect to real-time rate disclosures in an intraLATA interstate context. It should either declare that it did not intend to require rate disclosures in such context, waive the requirements, or forbear from applying them in such context.

Additionally the Commission should clarify what it meant to accomplish when it issued its *Erratum* changing the text of its Order regarding the scope of the obligations established thereunder from "interstate, domestic, interexchange 0+ call" to "any interstate, domestic, interexchange[,] non-access code operator service call." Finally, in the event that the Commission refuses to grant the relief requested by Ameritech, the Commission should clarify the obligations associated with disclosures associated with PIFs and should grant an extension of the compliance deadline for implementing the mandated rate disclosures.

Respectfully submitted,

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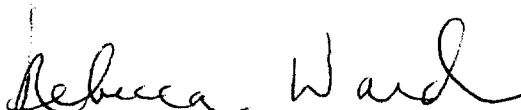
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May 6, 1998

CERTIFICATE OF SERVICE

I, Rebecca Ward, do hereby certify that on this 6th day of May, 1998, I have caused a copy of the foregoing **COMMENTS OF U S WEST, INC.** to be served, via first-class United State Mail, postage pre-paid, upon the persons listed on the attached service list.


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